IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1572 OF 2005

IN

FIRST APPEAL NO. 679 OF 1997

The State of Maharashtra ..Applicant.

V/s.

Damu Jama Charan (Rathod) ..Respondent.

Shri K.K. Tated, AGP for the Applicant.

CORAM : S. B. MHASE, J.
DATED : APRIL 20, 2005

PC :-

. In the appeal, at the time of admission, the conditional stay was granted by the Registrar (Judicial) by order dated 24.2.1998. By the said conditional order, it was directed that the Appellant should deposit decreetal amount in the trial court within 8 weeks. Since, the amount was not deposited within 8 weeks, the ad-interim stay came to be vacated by the order dated 10.02.2005 passed by Registrar (Judicial). Shri Tated, however, states that the decreetal amount has been deposited in the trial court and therefore, it is necessary to continue the said stay, by setting aside the order dated 10.02.2005

passed by the Registrar (Judicial). Since the amount has been deposited in the trial court and an affidavit to that effect has been filed on record, I find it appropriate to accept the statement made by Shri Tated. Therefore, the order passed by the Registrar (Judicial) dated 10.2.2005 is hereby set aside.

. By way of an interim order, the decree under challenge is hereby stayed and the trial court is further directed that the amount deposited, if already not released in favour of the respondents, shall not be released till further orders from this court.

. With this order, the Civil Application is disposed of.

(S.B.MHASE,J)

.....

spb/-